

Utah Solid and Hazardous Waste Control Board
Utah Department of Environmental Quality, Room 101
168 North 1950 West (Bldg. #2), SLC, Utah
MEETING MINUTES
September 13, 2007
1:00 p.m.

Board Members Present: John Newman (Vice Chair), Craig Anderson, Michael Brehm, Scott Bruce, Kory Coleman, Jeff Coombs, R. Ryan Dupont, Craig Forster, Gary Mossor, Dennis Riding, and Rick Sprott.

Board Members Excused: Carlton Christensen (Chair), Kevin Murray

Staff Members Present: Dennis Downs, Brad Johnson, Scott Anderson, Tom Ball, Ed Costomiris, Martin Gray, Rusty Lundberg, Dale Marx, Rick Page, Bill Sinclair, Doug Taylor, Don Verbica, John Waldrip, Otis Willoughby, Raymond Wixom.

Others Present: Royal DeLegge, Kris Snow, Jerry Miller, Shawn Raju, John Bate, Tim Orton, Walton Levi, Robert Yarosik, Jason Hill, Amy Blauser, Sheila Vance.

I. Call to Order

John Newman (Vice Chair) called the meeting to order at 1:08 p.m. Carlton Christensen (Chair) and Kevin Murray were excused from the meeting.

II. Approval of Meeting Minutes for the August 9, 2007 Board Meeting (Board Action Item)

Garry Mosser moved to approve the August 9, 2007, meeting minutes. The motion was seconded by Craig Anderson and **UNANIMOUSLY CARRIED.**

III. Underground Storage Tanks Update

A. Energy Act Government Owned Tanks Force Update

Brad Johnson gave an update to the Board members on the cash balance for the Petroleum Storage Tank Fund, which is at approximately 11.7 million dollars. Since December 2006, the fund balance has consistently stayed between \$11 and \$12 million.

Mr. Johnson then informed the Board members that as part of the Federal Energy Policy Act of 2005, all 50 states within the nation were required to submit a report on the compliance status of all government owned Underground Storage Tanks (USTs) in order to make certain that they are being held to the same standard as privately owned tanks. In the State of Utah, there are 452 USTs (217 facilities) that are owned by various governmental agencies. Of those 217 facilities, all but 12 are in compliance with the UST Act, which equates to a 93% compliance rate. In comparison, only 80% to 85% of privately owned tanks are in compliance. The Division of Environmental Response and Remediation (Division) is currently working with the 12 facilities, as well as the other privately owned tanks not in compliance, in order to ensure that they comply with the UST Act.

Richard Sprott inquired if the report involved the compliance results for tanks that are owned by all of the varying degrees of government. Mr. Johnson answered in the affirmative.

IV. Governor's Methamphetamine Joint Task Force Update

Mr. Johnson continued by explaining that the Governor's Methamphetamine Joint Task Force (Task Force) deals with the various issues relative to illegal drug use within the State of Utah, specifically methamphetamine use. In the July 2007 Task Force meeting, the Public Health group of the Task Force, which the Division participates on, was granted \$290,000.00 to look at cleanup standards and/or criteria, and the methods of cleanup that are available. Over the next several months, the Division will be working with the Utah Department of Health (UDOH) to solicit consultant assistance in evaluating these issues. These efforts may have an impact on the Clandestine Drug Lab Contractor Certification Program, which the Board oversees.

Mr. Johnson then informed the Board that the UDOH is also currently working with a number of Legislators on some possible legislation relative to illegal methamphetamine use, which may come before the State Legislature in the 2008 General Session. The four topics that will be considered for this legislation include:

- A full-time toxicologist to assist the general public and other entities with the risk issues associated with exposure to residual methamphetamine contamination.
- Implementing mandatory disclosure requirements for property owners to report any drug lab or drug use on their property when property transactions occur.
- Possibility of creating a low-interest loan fund in order for property owners to receive low-interest loans to conduct cleanup work if necessary.
- Establishing a registry for complaints of methamphetamine use by individuals other than law enforcement personnel.

John Newman asked which Senator would sponsor this possible legislation if it were to go before the 2008 Legislative Session. Mr. Johnson stated that the UDOH is working with Senator D. Chris Butters on this potential legislation.

V. Facility Perpetual Care Fund Legislation (Board Action Item)

Craig Anderson informed the Board of a recent meeting with Dennis Downs, Carlton Christensen, William Sinclair and Scott Anderson to discuss the status of the URS Report that was submitted to the Legislature last year and the alternatives that were suggested to the URS Report during the August Board meeting. Discussions also included whether or not the Board wished to make any further recommendations to the Legislative Interim Committee that would go beyond the URS Report. Mr. Anderson stated that, pursuant to a statutory requirement, a report was to be filed with the legislature, which has been done. The conclusion from the meeting was that this issue would be brought before the Board with the recommendation that, because the Board has already complied with the directives of the Legislature by submitting the URS Report that was approved and recommended as it was written by the Board, and that absent any further direction from the Legislature in looking at other issues, the Board is standing by the report that was submitted to the Legislature last year.

Dennis Downs indicated that the Board's position on this matter will be presented to the Legislative Interim Committee on September 19, 2007 at 2:00 p.m. in Room W125 at the State Capitol. Board members were invited to attend if so desired. The statute requires that this issue be evaluated every five years, so if the Legislature opts not to address it now, it can at a later date.

Mr. Downs noted that this issue is listed on the Final Agenda as a Board Action Item. However, the Board does not need to take action on this matter unless the Board chooses to ratify Mr. Anderson's comments stated previously. (No members of the Board felt an additional motion was necessary.)

VI. Commercial Federal Facilities Section

A. Proposed Stipulation and Consent Order between the Board and Clean Harbors, Aragonite Facility (Board Action Item)

Don Verbica and Rick Page reviewed the proposed Stipulation and Consent Order (SCO), No. 0702007, to resolve Notice of Violation and Compliance Order (NOV/CO) No. 0611043, issued to Clean Harbors Aragonite

on December 15, 2006. The NOV/CO covered a period of inspections from October 2005 through September 2006. Violations included the following: failing to unload transport vehicles carrying containers within the required timeframes; failing to track wastes properly; failing to record and preserve the history of containers; placing incompatible wastes or materials in the same container; failing to flush the drum pumping system before pumping waste that was not compatible with the last waste pumped; placing reactive cyanides in tank T-404B; improperly labeling and dating containers, having open containers, and accumulating wastes in containers that were leaking; holding rejected wastes on site for longer than 30 days, failing to specify the location of all rejected wastes in the waste tracking system, and failing to document when a waste was determined to be rejected; failing to place barcode labels on each container; failing to attempt to reconcile a manifest discrepancy with the generator and failing to notify the Executive Secretary when the discrepancy was not resolved; failing to refrigerate infectious waste; failing to incinerate infectious waste within the required timeframes; failing to properly code containers of infectious waste; conducting the radioactivity screen with the sample bottle closed and conducting the ignitability screen without heating the sample; failing to provide an automatic interlock to shut off the vacuum pump that decants a container to a direct burn tanker; failing to notify the Executive Secretary after the explosion in the drum pump station; failing to prepare and submit a complete biennial report; failing to maintain the required seals of the bulk solids enclosure during backup operations; failing to sample containers under fume exhausters; failing to properly mark all equipment; failing to document certain inspections; failing to maintain emergency equipment as necessary to assure its proper operation in time of emergency.

The violations have been resolved. The SCO includes a penalty of \$147,389.00. Forty seven thousand dollars of the penalty are being credited at fifty cents on the dollar towards two Supplemental Environmental Projects (SEPs). The first SEP will provide waste management and disposal services for the Tooele School District and the University of Utah. The second SEP will provide a brush fire truck for Tooele County.

A 30-day public comment period was held from July 26, 2007 to August 27, 2007. No public comments were received. The Division recommends the Board approve the proposed SCO.

Mr. Shawn Raju, Manager, Clean Harbors Aragonite Facility, was in attendance to answer any questions relative to the facility.

It was moved by Gary Mossor and seconded by Craig Anderson and UNANIMOUSLY CARRIED to approve the Proposed Stipulation and Consent Order (SCO) No. 0702007 between the Board and Clean Harbors, Aragonite Facility.

B. EnergySolutions LLC request for a one-time, site-specific treatment variance for cemented uranium extraction process residues (Board Action Item)

Don Verbica and Otis Willoughby reviewed EnergySolutions' request for a one-time, site-specific treatment variance for the Mixed Waste Facility. The Mixed Waste Facility proposes to receive cemented monoliths containing enriched uranium residuals. This material retains hazardous waste codes for barium, cadmium, chromium, and spent solvents. The generator has encapsulated the waste in concrete for security reasons. This waste meets all license conditions for radioactive waste disposal at the facility.

EnergySolutions proposes to receive this waste for macroencapsulation and direct disposal in the Mixed Waste Landfill Cell without chemical stabilization, as required. This request is based on the fact that the waste has already been encapsulated in concrete at the generator's site. Treating this waste by the required method would mean grinding the waste and potentially exposing workers to unnecessary contamination and potential security risks. The proposed treatment will further encapsulate the waste and protect it from contact with precipitation, thereby decreasing the potential of leaching. EnergySolutions may receive up to 4,500 cubic feet of this waste. Final disposal of the waste will occur in the Mixed Waste Disposal Cell at the EnergySolutions Mixed Waste Facility.

A 30-day public comment period on the variance request was held August 2, 2007 to September 3, 2007. A public hearing on this issue was held in the Tooele County Courthouse on August 16, 2007 at 6:00 p.m. No public comments were received.

Tim Orton, Environmental Engineer for EnergySolutions, was in attendance to answer any questions relative to this variance request.

It was moved by Gary Mossor and seconded by Kory Coleman and UNANIMOUSLY CARRIED to approve EnergySolutions LLC request for a one-time, site-specific treatment variance for cemented uranium extraction process residues.

C. EnergySolutions LLC request for a one-time, site-specific treatment variance for Osmium Tetroxide waste (Informational Item Only)

Otis Willoughby discussed EnergySolutions LLC, August 23, 2007 for a one-time, site-specific treatment variance from the Utah Hazardous Waste Management Rules. Mr. Willoughby informed the Board that when the Environmental Protection Agency (EPA) wrote the treatment rules, DOE waste was not considered. However, there are numerous small waste streams that are odd and do not fit into the statutes as they are currently written. This variance request falls under this category, as EnergySolutions proposes to receive 25 grams of waste containing osmium tetroxide.

This waste is listed with the waste code P087. The required treatment methods for this waste are either RMETL or RTHRM. Each of these methods is designed to recover the osmium metal for recycling. Due to the radioactive nature of this waste, reuse of the osmium is not possible. EnergySolutions is proposing to grout the waste in a cement mixture and then isolate the resulting monolith with its macroencapsulation process. Following grouting, final encapsulation and disposal of the waste will occur in the Mixed Waste Landfill Cell at the EnergySolutions Mixed Waste Facility.

This is an informational item only and requires no action by the Board. A public comment period on this variance request began on September 4, 2007 and will end on October 4, 2007. A public hearing to receive comment on the variance request will be held on Thursday, October 2, 2007, at 6:00 p.m. in the Tooele County Court House. After any comments are addressed, the request will be presented to the Board for consideration at the next Board meeting.

The osmium tetroxide was used as laboratory reagent. John Newman asked how the product became radioactive. Tim Orton, Environmental Engineer for EnergySolutions, clarified that this product was a legacy waste of the DOE and utilized in the 1960s – 1970s for experimental research in a laboratory that was radioactive. So, because it came out of a radioactive facility, whether the product is radioactive or not, by definition the product is required to be categorized as radioactive. It is unclear what the original use of the product was but it is a good oxidizer and good for removing alkenes from the chemical oxidation processes.

D. EnergySolutions LLC request for a one-time, site-specific treatment variance for lead contaminated waste with PCBs (Information Item Only)

Otis Willoughby discussed EnergySolutions August 23, 2007 request for a one-time, site-specific treatment variance from the Utah Hazardous Waste Management Rules.

The Mixed Waste Facility proposes to receive waste containing lead (D008), and also containing Polychlorinated Biphenyls (PCBs) as Underlying Hazardous Constituents. Through treatability studies performed at the site, EnergySolutions has confirmed successful treatment below the treatment standards for all contaminants except PCBs. The PCB treatment standard is not attainable using their current chemical treatment technologies. If this waste did not contain the lead (contained only PCBs at these levels), then EnergySolutions would be permitted to dispose of the waste without further treatment. EnergySolutions plans to receive 11 cubic feet of this waste. Following treatment of the lead, final disposal of the waste will occur in the Mixed Waste Landfill Cell at the EnergySolutions Mixed Waste Facility.

Tim Orton, Environmental Engineer for EnergySolutions, stated this variance is similar to previous requests. If the PCB waste did not contain the lead, but contained the same concentration of PCBs, it could be disposed in the landfill without additional treatment according to the TSCA regulations. However, because of the lead, EnergySolutions requests that a variance be granted to allow the treatment and disposal that will meet all treatment standards except the treatment standard for PCBs.

This is an informational item only and requires no action by the Board. A public comment period on this variance request begins on September 4, 2007 and will end on October 4, 2007. A public hearing to receive comment on the variance request will be held on Thursday, October 2, 2007, at 6:00 p.m. in the Tooele County Court House.

After any comments are addressed, the request will be presented to the Board for consideration at a future meeting.

Board members asked if other PCB waste has been disposed in the mixed waste landfill. Mr. Orton stated that such disposal is a normal practice allowed by their permit. Board members asked if the mixed waste will be placed in a TSCA landfill cell or a mixed waste landfill cell. Mr. Orton stated that this waste will go into the mixed waste landfill.

VII. Chemical Demilitarization Section

A. Dugway request for a Treatability Study Sample – Quantity Variance (Board Action Item)

Doug Taylor reviewed Dugway Proving Ground's variance request. Dugway is requesting that a variance be granted to exceed the quantity limits allowed for the shipment of treatability study samples. Dugway is working with the Army's Project Manager for Nonstockpile Chemical Materiel to evaluate options for the treatment of Lewisite (L) and Tabun (GA) agents stored in ton containers. Dugway is requesting authorization to ship two Department of Transportation cylinders of Mustard (HD), from Dugway to the Chemical Transfer Facility at the Edgewood area of Aberdeen Proving Ground, Maryland. The Mustard in two DOT cylinders will be used to conduct a full-scale treatability study with the Large Item Transportable Access and Neutralization System (LITANS). The proposed study will help determine how well the LITANS can treat bulk chemical agent and then be decontaminated after contact with the persistent chemical agent. The total amount of HD will be 13.82 gallons (66.73 kg). Current Utah regulations limit the shipment of acute hazardous waste to one kilogram for treatability studies.

A 30-day public comment period for this variance request was held July 10, 2007 to August 13, 2007. A public hearing was held on July 31, 2007. No public comments were received. The Executive Secretary recommends the Board approve this variance request.

Dennis Downs announced that Dugway Proving Ground has appointed a new Commander, Robert Jones, Jr., replacing Commander Olsen. The military installations routinely appoint new commanders every 2-3 years. Also, a new Dugway West Desert Test Commander has been appointed, Colonel James Delaney.

It was moved by Rick Sprott and seconded by Dennis Riding and UNANIMOUSLY CARRIED to approve Dugway request for a Treatability Study Sample – Quantity Variance.

B. Proposed Stipulation and Consent Order between the Board and DCD (Informational Item Only)

Tom Ball reviewed the proposed Stipulation and Consent Order (SCO) to resolve Notice of Violation (NOV) No. 0611044, which was issued to Deseret Chemical Depot (DCD), the Chemical Agent Munitions Disposal System (CAMDS), and the Tooele Chemical Agent Disposal Facility (TOCDF) in January 2007. The Division has begun the public review process for this proposed SCO.

Both TOCDF and CAMDS are located within the boundaries of DCD. All three facilities have permits and must comply with state and federal laws regarding hazardous waste. One NOV is issued to all three facilities because they all operate under one EPA ID Number. The NOV contains 64 violations that were documented through self-reports from the facilities and during inspections performed by Division staff. A total penalty of \$108,791.05 has been negotiated and agreed upon for settlement of the NOV. All violations cited in the NOV have been corrected.

This is an information item for the Board. The public comment period for this settlement began on September 4, 2007 and will end on October 3, 2007. It is anticipated that this issue will be brought before the Board for action at the next Board Meeting.

C. TOCDF Update – Tom Ball

Tom Ball informed the Board that TOCDF continues to process the baseline ton containers and currently has processed approximately 1,980 ton containers (approximately 6,400 originally existed in the stockpile). TOCDF has also begun processing the mustard contaminated DPE suits. These suits are what the workers wear when they are in the toxic areas of the facility.

The Division is currently in the process of performing an annual compliance evaluation inspection at the Deseret Chemical Depot. This inspection includes the Tooele Chemical Agent Disposal Facility, and all inspections will be completed by the end of the month.

The annual Dugway compliance evaluation inspection began in August and will be completed next week.

Currently out for public comment is a Permit Modification to allow the processing of the mustard 155mm projectiles at the incineration facility.

The Citizens Advisory Commission Meeting on Chemical Demilitarization is scheduled for September 20, 2007. It is anticipated that an item of discussion at the meeting will include a resolution recommending reexamination of neutralization as a treatment technology for the remaining mustard stockpile. The meeting will be held at the UDEQ Building #2 (Room 101) at 6:30 p.m.

VIII. Other Business

A. Misc. Information Items

Mr. Downs informed the Board of a training seminar presently occurring where Division and EPA personnel are training approximately 45 individuals involved with landfill operations throughout the State of Utah. The two-day training deals specifically with non-hazardous solid waste issues and includes customer relations training, and waste acceptance training where landfill owners are trained to watch for waste coming into their landfill that is not approved for disposal. Mr. Downs stated that often times, because these types of matters are not Board specific, the Board is not aware of them, but as these types of trainings occur, the Board will be updated.

B. Scheduling of Next Board Meeting

Due to the fact that staff members will be out of town and with minimal agenda items to address, the October 11, 2007, Utah Solid and Hazardous Waste Control Board meeting will be canceled. The next Board meeting will be held on November 8, 2007, at 1:00 p.m. in the UDEQ, Building #2, (Conference Room 101).

C. Technology Memo

Michael Brehm requested the minutes reflect an e-mail all Board members received regarding a plasma technology memo.

XII. The meeting adjourned at 1:33 p.m.